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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,796	09/29/2003	Janne Kallio	KOLS.058PA	2976
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425			EXAMINER SEYE, ABDOU K	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/673,796

Applicant(s)

KALLIO ET AL.

Examiner

Abdou Karim Seye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on February 02, 2007 has been received and entered. The amendment amended Claims 6,9, 10, 12,21-22 and 24 and added claims 34-35. The currently pending claims considered below are Claims 1-35.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

3. The amendment filed on February 02, 2007, has not overcome the rejections to Claims 9,10,12,13,16, 21 and 24 under 35 U.S.C. 112, second paragraph in paragraph 3 of the previous office action by amending these claims. Therefore, the examiner hereby maintains those rejections. Claims 9,10,12,13,16, 21 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appropriate clarification is required on the following claims:

Claims 9,10,12,16,21 and 24 contain the trademark/trade name "Java", "java virtual machine" and "Symbian". Where a trademark or trade name is used

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in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph (see *Ex parte Simpson*, 218 USPQ 1020; Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade names are used to identify/describe a family of products generated in the proprietary programming language called "Java", "java virtual machine" and a software called "Symbian", accordingly, the identifications/descriptions are indefinite.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. Claims 1-6,8-15, 17-24,26-29 and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by **Lavian, et al. (US 6772205)**.

Claims 1, 34 and 35: Lavian discloses a system and method of communication between a target/terminal equipment and an accessory connected to the terminal equipment, comprising:

a. providing in the terminal equipment an application interface for services offered by the terminal (fig. 2/226, col. 6, lines 44-50; fig. 1);

b. executing an accessory software application in the accessory (fig. 1, col. 3, lines 5-10); and

c. executing a proxy application in the terminal equipment, the proxy application providing the accessory software application with the services offered by the application interface (Fig. 7, col. 9, lines 55-60; col. 10, lines 52-54).

Claim 2: Lavian discloses a method of communication as in claim 1 above and further discloses that the step of identifying/detecting the devices connected on the network (fig. 1, col. 3, lines 18-25).

Claim 3: Lavian discloses a method of communication as in claim 1 above and further discloses downloading application such as a proxy application (fig. 1, col. 3, lines 4-30; fig. 5, col. 8, lines 10-25).

Claim 4: Lavian discloses a method of communication as in claim 3 above and further discloses executing the downloaded application (fig. 5, col. 8, lines 10-30).

Claim 5: Lavian discloses a method of communication as in claim 1 above and further discloses the proxy application assisting in the conversion and processing of the instruction data sent to the target/terminal equipment (abstract; fig. 7, col. 10, lines 64-67).

Claim 6: Lavian discloses a method of communication as in claim 1 above and further discloses storing features/properties information associated with the device network and distributing them to software applications (fig. 7, col. 10, lines, 16-27).

Claim 8: Lavian discloses a method of communication as in claim 1 above and further discloses that multiple software applications are downloaded and executed on the network devices (col. 2, lines 49-55; fig. 5, col. lines 9-30).

Claim 9: Lavian discloses a method of communication as in claim 1 above and further discloses that the proxy application is a java application and the proxy application is interpreted by a java virtual machine (fig. 7, col. 11, lines 1-35).

Claim 10: Lavian discloses a method of communication as in claim 1 above and further discloses that the accessory software application is a java application and the application is interpreted in the accessory by a java virtual machine (fig. 7, col. 11, lines 1-35).

Claim 11: Lavian discloses a method of communication as in claim 1 above and further discloses a proxy mode for the processing of software application (fig. 7, col. 11, lines 20-25).

Claim 12: Lavian discloses a method of communication as in claim 1 above and further discloses converting non-java application to java application by using a proxy device application (fig. 7, col. 11, lines 1-67).

Claim 13: Lavian discloses a method of communication as in claim 1 above and further discloses executing non-java application by using the proxy application (fig. 7, col. 11, lines 1-67).

Claim 14: Lavian discloses a method of communication as in claim 1 above and further discloses that the services offered by the target/terminal device comprise communication services and user interface services (fig. 1, col. 3, lines 50-67; fig. 2, col. 4, lines 1-29).

Claim 15: Lavian discloses a method of communication as in claim 1 above and further discloses that a device software application downloaded from a server enables a user of the device to operate the target/terminal equipment (fig. 2, col. 4, lines 30-35).

Claim 17: Lavian discloses a device /terminal equipment comprising:

a. A connection interface enabling an accessory to be connected to the terminal equipment (fig. 1, col. 3, lines 30-59);

b. An application interface to services offered by the terminal (fig. 2/226, col. 6, lines 44—50); and

c. A software platform configured to execute a proxy application (fig. 7, col. 11, lines 1-35).

Claim 18: Lavian discloses a device /terminal equipment as in claim 17 above and further discloses a device configured to download a proxy application (fig. 1/102, col. 3, lines 1-15).

Claim 19: Lavian discloses a device /terminal equipment as in claim 17 above and further discloses an accessory manager configured to obtain information about accessory software in an accessory connected to the target/terminal device (fig. 1/106, 116 col. 3, lines 31-59).

Claim 20: Lavian discloses a device /terminal equipment as in claim 17 above and further discloses that the terminal equipment detecting the connecting of devices (fig. 5, col. 8, lines 10-30).

Claim 21: Lavian discloses a device /terminal equipment as in claim 17 above and further discloses executing a proxy device application in the device/terminal with java software platform (fig. 7, col. 11, lines 1-67).

Claim 22: Lavian discloses a device /terminal equipment as in claim 17 above and further discloses that the software platform is configured to execute a proxy application providing in the terminal equipment a non-java application interface (fig. 7, col. 11, lines 1-67).

Claim 23: Lavian discloses a device /terminal equipment as in claim 17 above and further discloses that the software platform is configured to execute a proxy application providing a user interface of an device connected to the target/terminal (fig. 8, col. 12, lines 5-21; fig. 7, col. 11, lines 1-67).

Claim 24: Lavian discloses a device /terminal equipment as in claim 17 above and further discloses that the software platform is a java virtual machine (fig. 7, col. 11, lines 1-67).

Claim 26: Lavian discloses a device accessory for a target/ terminal, comprising:

- a. Means for connecting a device/accessory to the terminal equipment (fig. 1, col. 2, lines 64-67, col. 3, lines 1-3; fig. 2, col. 4, lines 8-10); and
- b. Means for executing a device software application (fig. 1, col. 3, lines 4-15; fig. 5, col. 8, lines 9-30).

Claim 27: Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses means for uploading a proxy application to the target/terminal device (fig. 4, col. 7, lines 50-67).

Claim 28: Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the accessory is a cover (fig. 2 col. 4, lines 30-35). The elements " printers and keyboard" connected to the target/terminal of Lavian reference meets the claimed limitation of the claim based on the applicant's disclosed statement in the specification.

Claim 29: Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the accessory is an independently functioning external device (fig. 1, col. 3, lines 1-3).

Claim 31: Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the accessory has a wire line connection to the terminal equipment (fig. 2, col. 4, lines 30-35).

Claim 32: Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the user interface of the network device accessory is provided by a client application interface of the target/terminal device (fig. 1, col. 3, lines 50-55, fig. 2/226, col. 6, lines 44-50).

Claim 33: Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses a user interface of the target/terminal device is provided by a device accessory (fig. 1, col. 3, lines 1-67).

**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obvious rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lavian et al. (6772205).

Claims 16 and 25: Lavian discloses a method and device of communication as in claims 1 and 17 above and further discloses an embodiment modules in memory of the target/terminal device including a real time operating system (RTOS) (fig. 2, col. 4, lines 35-40). However, software platform "Symbian" is a type of RTOS widely used in the art of wireless devices communication system. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lavian's invention with the claimed element " Symbian software platform " in order to reduce the cost of implementing the real time operating system (RTOS) in Kallior's invention. One would have been motivated to implement a "Symbian" software platform on a wireless communication system with multiple network devices because it is less costly to implement and because of compatibility with a wider variety of existing software packages.

8. Claims 7 and 30 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lavian et al. (US 6772205) in view of Goldstein et al (20040152457).

Claim 7: Lavian discloses a method of communication as in claim 1 above and further discloses storing features/properties information associated with the device network and distributing them to software applications (fig. 7, col. 10, lines, 16-27), but he does not explicitly disclose that the parameter type version of an application interface is included in the properties/features list. However, in the same field of endeavor Goldstein discloses that the software program version is a valuable information for downloading the correct software program of a given device brand and model (paragraph 11 and 12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lavian's invention with Goldstein's invention in order to download and install the correct functions required for operating a communication device. Therefore, one would have been motivated to download from a server correct versions of application program such as device driver in order improve the functional capabilities of wireless devices equipment within a communication system.

Claim 30: Lavian discloses a device accessory for a target/ terminal as in claim 26 and he further discloses that the accessory devices have a wired line connection to the target/terminal equipment (fig. 2, col. 4, lines 30-35), but he does not explicitly

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discloses that the accessory devices have a wireless connection to the target/terminal equipment. However, in the same field of endeavor Goldstein discloses a wireless target/terminal communication device connected to peripheral accessory devices with automatic download of operating programs and current software version (Abstract).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lavian's invention with Golstein's invention and use wireless device in order to allow the entities responsible for selling the peripheral devices to have control of their functions supported and for easy upload and upgrade of new versions of software program. Therefore, one would be motivated to use wireless devices accessories within a communication system in order to reduce maintenance cost for uploading and upgrade software program embedded within wireless equipment devices.

### ***Response to Arguments***

9. Applicant's arguments filed September 11, 2006 have been fully considered but they are not persuasive.

a. Claims: 9,10,12,13,16,21 and 24: Applicant argues in page 8 of the Remarks/Arguments section (lines 18-20) of the applicant response to the first office action that " the United State Patent and Trademark Office has issued..... the respective trademark owners". Those issued patents are not relevant to the prosecution

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of this application and the examiner cannot make any comment regarding those issued patent. Applicant is pointing to the section of the MPEP paragraph 608.01(v), neither the specification nor the claims indicate which version of Java and Java Virtual machine software and Symbian operating are used in this invention. Therefore these claims stand rejected under 35 U.S.C. 112, second paragraph.

b. Claim 1: Applicant argues that, "Lavian does not teach executing a proxy application in a terminal equipment where the proxy application provides an accessory software application with services offered by the application interface of the terminal equipment." Lavian teaches in (FIG. 1) a terminal target network device 112, a client user interface 114 and a client application 226 in (FIG. 2) and a proxy associated with the execution of an application on the target device (FIG. 7, col. 9, lines 55-67). The above elements of Lavian's reference combined together meet the claimed limitation of the claim, since the proxies in Lavian's reference are also associated with the download of applications to terminal devices.

c. Claim 3: Applicant argues that, "Lavian's reference does not teach downloading occurs automatically after detecting the accessory". The examiner disagree since, the determination process of whether or not to download an application to a network device of Lavian's communication system 100 in (FIG. 1, col. 3, lines 17-30) is automatically controlled within the system. Therefore the claimed process of Lavian's reference meets the claimed limitation "automatic download of software application after detecting the accessory".

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d. Claim 28: Response to applicant's argument see the rejection above.

e. Claims 7, 16, 25 and 30: In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

f. The element "Kallior's " at page nine of the office first action is a typographical error, the examiner is referring to the Inventor and applicant " Janne Kallio" of the present invention.

g. As for the remaining claims : response to applicant argument see the rejections/arguments above.

### ***Conclusion***

**10. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

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MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS  
April 15, 2006

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER